

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD CURTIS DAVIS,

Defendant.

CASE NO. CR10-5219RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Defendant's "Request for Petition of Removal of Defendant's state case filed in United States District Court by SAUSA Gerald T. Costello." [Dkt. #110]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

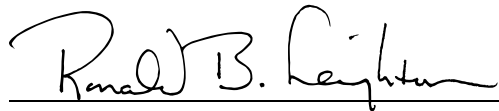
The defendant seeks a copy of the "Notice of Removal" filed in his federal case. That document does not exist because his state criminal proceeding was not "removed" to this Court. The record reflects that defendant was charged in federal court by way of Complaint on January 26, 2010 and that his state criminal proceeding was dismissed on or about January 27, 2010. As often happens, and properly happened here, defendants are charged criminally in state court, and

1 later charged in federal court based on the same or similar conduct. The state charges are  
2 dismissed and the case proceeds in federal court. There was no impropriety.

3 Defendant's motion [Dkt. #110] is **DENIED**. To the extent the defendant also seeks  
4 dismissal because of his erroneous belief that this Court lacks subject matter jurisdiction [See  
5 Dkt. #113], that motion is also **DENIED**.

6 **IT IS SO ORDERED.**

7 Dated this 28<sup>th</sup> day of February, 2011.

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10 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE